

**4COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹**

Docket No. 09-695

Appellant(s): Michael Mc Closkey

vz. Appellee(s): Town of Marblehead
Robert Ives

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 7th Edition 780 CMR 5310.1.2, 5310.1.3 for 21 Mohawk Road, Marblehead, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on January 20, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant and appeared and testified for the hearing.

Discussion

A motion was made to grant the Appellant's request for a variance from 7th Edition 780 CMR, 5310.1.2 and 5310.1.3, based on the exhibits and testimony that was presented. The requested variance was to allow and emergency egress window of dimensions 26-inches wide by 22 ½ -inches high. The motion noted that that the Marblehead building commissioner was generally not opposed to the granting of the variance. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 7th Edition 780 CMR 5310.1.2 and 5310.1.3 is hereby granted as described in the discussion above and so ordered² on this date: January 20, 2009.



Douglas Semple



Jacob Nunnemacher



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.